

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THEODORE KING and GARY LA BARBERA,
et al.,

Plaintiffs,

-against-

RIZZO ASSOCIATES INC.,


Defendant.

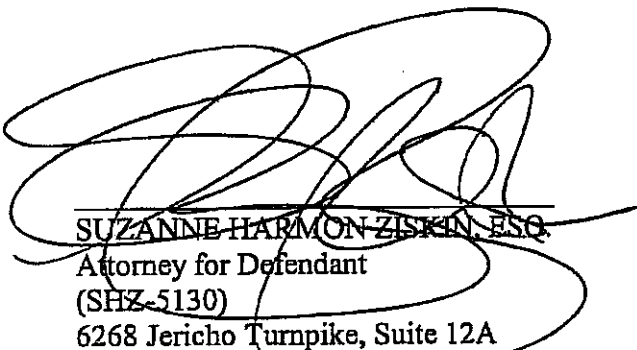
Index No.CV-04-3091 (FB)(VVP)

**STIPULATION
DISCONTINUING ACTION**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of this action, the above entitled action be, and the same hereby is discontinued without prejudice. All time periods, *inter alia*, remain subject to audit and other means of verification, which may result in additional principal and/or late charges being found to be due and owing.

Dated: New York, New York
, 2005


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SO ORDERED:

s/Frederic Block_USDJ

FREDERICK BLOCK, U.S.D.J.

9/29/05